

Patent  
Our Docket: 5036US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 1642
Charles A. NICOLETTE	)	
	)	Examiner: Stephen L. Rawlings
Serial No.: 09/922,405	)	
	)	
Filed: August 3, 2001	)	
	)	
For: THERAPEUTIC ANTI-MELANOMA	)	
COMPOUNDS	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE FACSIMILE NUMBER (703) 872-9306 ON JULY 1, 2004.

07/01/04  
Date

  
Deborah A. Dugan

Interview Summary under 37 C.F.R. § 1.133

Sir:

In accordance with 37 C.F.R. § 1.133, this Interview Summary is being filed concurrently with the Response to the Notice of Non-Responsive Reply filed in connection with the above-identified application.

Interview Summary

Examiner Rawlings contacted Applicant's undersigned attorney, Deborah Dugan, by telephone concerning the Response (filed on March 5, 2004) to the February 5, 2004 Restriction Requirement. The Examiner acknowledged Applicant's election of the invention (Group I) in the March 5, 2004 Response, but noted that Applicant's request for further clarification (of the species election requirement), rendered the March 5, 2004 Response "not fully responsive" to the February 5, 2004 Office Action (requiring both election of invention and species).

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Applicant's undersigned attorney explained that the species election requirement, as worded, in the February 5, 2004 Office Action (see, page 4, paragraph 2) was confusing because the "election" was referenced alternatively, *i.e.*, at least two species and which two disclosed species, in the following sentence:

Applicant is required under 35 U.S.C. 121 to specifically elect at **least two species** of peptide ligand from the Markush group, **which two disclosed species** will be considered for prosecution on the merits . . . (emphasis added).

Thus, it was unclear whether the required election was to only two species/members of the Markush group or more than two members of said group. The Examiner clarified that Applicant was required to elect not less than two members and, therefore, could opt to elect either: (a) two species/members or (b) more than two species/members (*i.e.*, 3, 4, 5, 6, . . .) of the Markush group.

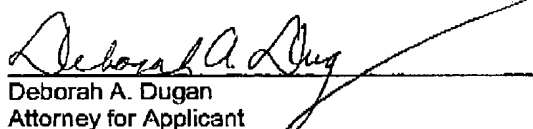
Examiner Rawlings then indicated that he would mail a Notice of Non-Responsive Reply which would provide a time period of a month (extendable) to fully respond the Restriction Requirement mailed on February 5, 2004.

#### Conclusion

No fee is deemed necessary in connection with the filing of this communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 07-1074.

Respectfully submitted,

07/01/04  
Date

  
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